

REMARKS**Summary of the Office Action**

Claim 7 stands rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Claims 1 and 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable by Maeda (JP 2001-025085) (hereinafter "Maeda") in view of Egatani (JP 2003-259500) (hereinafter "Egatani").

Summary of the Response to the Office Action

Applicants have canceled claim 7 without prejudice or disclaimer. Accordingly, claim 8 has been newly-amended to be rewritten in independent form including features of canceled claim 7. Newly-added dependent claims 9-16 are presented in order to differently describe embodiments of the disclosure of the instant application. Accordingly, claims 1, 2 and 4-6, and 8-16 are currently pending for consideration.

Rejection under 35 U.S.C. § 101

Claim 7 stands rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicants have canceled claim 7 without prejudice or disclaimer, rendering the rejection moot. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 101 be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claims 1 and 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable by Maeda in view of Egatani. Applicants have canceled claim 7 without prejudice or disclaimer, rendering the rejection of claim 7 moot. In accordance with the cancellation of claim 7, claim 8 has been newly-amended to be rewritten in independent form including features of canceled claim 7. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicants respectfully submit that Maeda merely discloses that a channel selection circuit 31 is controlled to correctly connect a plurality of input terminals IN1 to IN6 with a plurality of speakers 22a to 22f. Applicants respectfully submit that Maeda does not disclose or suggest an audio signal output adjusting device of claim 1, i.e., “an audio signal output adjusting device, on the basis of the changed install position of the first speaker and the install positions of the plurality of second speakers, that changes allocation of output of the audio signals to the plurality of second speakers, and adjusts output of the audio signal from at least one of the first speaker whose install position has been changed and the plurality of second speakers so that a sound field according to the position relations before the install position of the first speaker was changed is maintained (emphasis added).”

Further, Applicants respectfully submit that Egatani also does not disclose or suggest an audio signal output adjusting device as described in the advantageous combination of features of independent claim 1 of the instant application. Accordingly, the invention of claim 1 is not obvious over Maeda in view of Egatani. Applicants’ traversal of this combination rejection will now be discussed in further detail.

Applicants respectfully submit that independent claim 1 of the instant application refers to an advantageous combination of features including “an audio signal output adjusting device, on the basis of the changed install position of the first speaker and the install positions of the plurality of second speakers, that changes allocation of output of the audio signals to the plurality of second speakers, and adjusts output of the audio signal from at least one of the first speaker whose install position has been changed and the plurality of second speakers so that a sound field according to the position relations before the install position of the first speaker was changed is maintained.”

Applicants respectfully submit that, in accordance with the invention described in the combination of independent claim 1 of the instant application, a user (a listener) does not have to make a complicated sound-field setting in the case where the install position of a first speaker is changed. Please see paragraphs [0006] and [0058] of the specification of the present application.

On the other hand, Applicants respectfully submit that Maeda does not disclose, or even suggest, that in the case where the install position of a speaker is changed, an allocation of output of audio signals to the other speakers is changed so that a sound field according to the position relations before the install position of the first speaker was changed is maintained.

Applicants respectfully submit that Egatani merely discloses that the positional relationship between speakers is detected using an audio signal, and an audio output of each speaker is adjusted (an amount of delay is adjusted). However, Applicants respectfully submit that Egatani does not disclose, or even suggest, that in the case where the install position of a speaker is changed, an allocation of output of audio signals to the other speakers is changed so

that a sound field according to the position relations before the install position of the first speaker was changed is maintained.

Therefore, Applicants respectfully submit that, even assuming, strictly arguendo, that Maeda and Egatani might be combined as asserted by the Examiner, a technique based on such a combination of Maeda and Egatani would still not produce the remarkably advantageous effects of the invention described in the combination of features of independent claim 1 of the instant application.

Applicants respectfully submit that because the feature of claim 1 with regard to an audio signal output adjusting device is not disclosed, or even suggested, in Maeda or Egatani, it is not considered that the invention of independent claim 1 would have been easily accomplished or otherwise achieved by those having ordinary skill in the subject art even in light of a combination of Maeda and Egatani.

Furthermore, Applicants respectfully submit that there is at least an additional difference between the invention described in the combination of features of independent claim 1 of the instant application and Maeda. At page 3 of the Office Action, the Examiner asserts that microphones 34 to 36 in Maeda correspond to a plurality of audio signal detecting devices of independent claim 1 of the instant application, based on paragraph 0025 of Maeda. Applicants respectfully submit that while independent claim 1 of the instant application describes a combination of features including “a plurality of audio signal detecting devices provided in or near the install positions of the second speakers,” Maeda only discloses that microphones 34 to 36 are mounted on a remote control unit 33. Therefore, Applicants respectfully submit that the invention described in the advantageous combination of features of independent claim 1 of the

instant application also differs from the disclosure of Maeda at least in the above-described additional point.

Independent claims 5, 6 and newly-amended independent claim 8 include similar features as discussed above with regard to independent claim 1 of the instant application. Accordingly, similar arguments as set forth above with regard to newly-amended independent claim 1 of the instant application also apply to independent claims 5, 6 and 8 of the instant application.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Maeda and Egatani, whether taken separately or combined, do not teach or suggest each feature of independent claims 1, 5, 6 and 8 of the instant application. As pointed out by MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.’ In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).”

Furthermore, Applicants respectfully assert that the dependent claims 2, 4 and 8, and also newly-added dependent claims 9-16, are allowable at least because of their dependence from independent claim 1, 5, 6 or 8, and the reasons discussed previously.

CONCLUSION

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants’ undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

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By:



Paul A. Fournier

Reg. No. 41,023

Customer No. 055694

DRINKER BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100

Washington, DC 20005-1209

Tel.: (202) 842-8800

Fax: (202) 842-8465